Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Haiti*

I. Introduction

1. The Committee considered the initial report of Haiti (CRPD/C/HTI/1) at its 363rd and 365th meetings (see CRPD/C/SR.363 and 365), held on 15 and 16 February 2018. It adopted the present concluding observations at its 381st meeting, held on 28 February 2018.

2. The Committee welcomes the initial report of Haiti, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/HTI/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/HTI/Q/1).

II. Positive aspects

3. The Committee welcomes the adoption of several legislative and public policy measures to implement the Convention since its ratification by the State party, such as the adoption of the 2015 electoral decree to encourage the participation of persons with disabilities and the mental health component in the 2014 National Health Policy aimed at promoting deinstitutionalization. The Committee notes with appreciation the use in the State party of the Washington Group Short Set of Questions on Disability.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

4. The Committee notes with concern inconsistencies across the State party in the understanding, adoption and application of the human rights-based approach to disability and its evolving concept. It is particularly concerned that:

(a) Despite the de facto incorporation of the Convention into national legislation upon ratification by the State party, legislation permitting discrimination on the basis of disability, adopted before and after the ratification of the Convention, is still applicable;

(b) The use of offensive and derogatory terminology, in law and in practice, when reference is made to persons with disabilities, remains common and without any sanctions;

(c) The "disability prevention policies" included in chapter III of the Act on the Inclusion of Persons with Disabilities (2012) are misunderstood as being a measure of

* Adopted by the Committee at its nineteenth session (14 February–9 March 2018).

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implementation of the Convention and result in discrimination against persons with disabilities.

5. **The Committee recommends that the State party:**

(a) **Initiate a comprehensive cross-cutting review of its legislation and policies to bring them into line with the Convention and ensure that the legal framework protects persons with disabilities against discrimination on the grounds of disability;**

(b) **Eliminate the use of offensive and pejorative language when reference is made to persons with disabilities;**

(c) **Eliminate all policies that aim to legitimize the prevention of disability as a measure of implementation of the Convention;**

(d) **Involve persons with disabilities, through their representative organizations and the national human rights institution, in the above processes.**

6. The Committee is concerned that:

(a) The National Council for the Rehabilitation of Persons with Disabilities is no longer operational;

(b) The resource allocation of the Office of the Secretary of State for the Integration of Persons with Disabilities is insufficient for it to carry out its mandate;

(c) Persons with disabilities, including women and children with disabilities, are not actively, sufficiently and meaningfully consulted, through their representative organizations, in the development of laws, public policies, plans of action, and training and awareness-raising activities in all sectors.

7. **The Committee recommends that the State party:**

(a) **Re-establish the National Council for the Rehabilitation of Persons with Disabilities with a clear role and mandate and adequate resources;**

(b) **Allocate sufficient human, technical and financial resources to ensure that the Office of the Secretary of State for the Integration of Persons with Disabilities can carry out its mandate;**

(c) **Effectively and meaningfully consult with persons with disabilities, through their representative organizations, in the development of all laws, policies and programmes that relate to persons with disabilities, regardless of age, sex, faith, race, gender identity or sexual orientation, migrant or other status.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

8. The Committee is concerned about:

(a) The absence of legislation prohibiting discrimination on the grounds of disability, including, inter alia, the denial of reasonable accommodation as a form of discrimination and the express recognition of multiple and intersectional discrimination;

(b) The lack of legal remedies available to persons with disabilities who have been victims of discrimination on the grounds of disability and the absence of redress and compensation measures;

(c) The absence of a specific independent mechanism to deal with disability discrimination complaints and the lack of information on the number of complaints investigated and monitored regarding disability-based discrimination.

9. **The Committee recommends that the State party:**

(a) **In national legislation on discrimination, explicitly prohibit discrimination on the grounds of disability, include a provision that the denial of**

reasonable accommodation is a form of disability-based discrimination, recognize intersectional and multiple forms of discrimination based on, inter alia, sex, gender, age, disability, national origin, ethnicity and immigration status, and introduce effective redress and compensation measures;

(b) **Ensure that victims of discrimination on the grounds of disability can seek redress, remedies and compensation;**

(c) **Set up an independent mechanism or strengthen the national human rights institution to investigate, evaluate and monitor disability discrimination complaints and collect and update data in this regard.**

Women with disabilities (art. 6)

10. The Committee is concerned about:

(a) The aggravated forms of discrimination, including multiple and intersectional discrimination and discrimination by association, experienced, in particular, by women and girls with disabilities;

(b) The marginalization and exclusion of women and girls with disabilities from existing programmes and policies promoting the rights of women, including the national policy on equality between women and men (2014–2020);

(c) The lack of specific and targeted support for organizations of women and girls with disabilities, insufficient participation of women and girls with disabilities in the decision-making processes concerning them, and the absence of programmes for their empowerment.

11. **The Committee recommends that the State party:**

(a) **Integrate the rights of women and girls with disabilities into gender equality legislation, as well as into laws and policies on disability, and conduct public awareness campaigns to modify stereotypes, prejudices and myths about women and girls with disabilities;**

(b) **Modify the national policy on equality between women and men (2014–2020) to include women and girls with disabilities and ensure a follow-up mechanism between the Ministry for the Status of Women and Women's Rights and organizations of women and girls with disabilities;**

(c) **Adopt a strategy to promote the empowerment of women and girls with disabilities and ensure consultation with and participation of organizations representing them in the formulation and implementation of policies that concern them.**

Children with disabilities (art. 7)

12. The Committee is seriously concerned by the abandonment and neglect of and violence against children with disabilities, including ill-treatment and corporal punishment, within the family, at schools and in residential alternative care facilities. It is particularly concerned about:

(a) The lack of consultation with the Office of the Secretary of State for the Integration of Persons with Disabilities during the development of the national strategy for the protection of the child;

(b) The fact that children with disabilities and their families do not have access to social, health-care, education or economic services and support on an equal basis with others;

(c) Insufficient resources, including a lack of adequately trained personnel or accessible facilities in residential alternative care facilities.

13. **The Committee recommends that the State party take concrete legal and other measures to ensure the protection of children with disabilities from abandonment, neglect and abuse, including the explicit prohibition of corporal punishment in all**

settings. It also recommends that the State party collect and analyse disaggregated data on the situation of children with disabilities, including child abandonment and neglect, with a view to designing appropriate policy responses. In particular, the Committee recommends that the State party:

(a) **Ensure the inclusion of children with disabilities in the national strategy for the protection of the child;**

(b) **Increase resources for parents and families with children with disabilities and ensure that they are provided with social, health-care, education and economic services and support on an equal basis with others;**

(c) **Encourage alternative care in family settings for children with disabilities and, in the meantime, ensure that residential alternative care facilities have adequately trained staff and sufficient financial resources to ensure the realization of the rights of children with disabilities in those facilities.**

Awareness-raising (art. 8)

14. The Committee notes with concern:

(a) The high prevalence of taboos and negative stereotypes of disability, including discriminatory beliefs that disabilities are supernatural in origin or contagious;

(b) The fact that negative attitudes resulting in stigmatization on grounds of sex, sexual orientation, gender identity, albinism, and the combination of these factors with disability, are highly prevalent in society and a major obstacle to the participation and inclusion of persons with disabilities;

(c) The absence of a coherent national strategy and policy for raising awareness of the human rights-based approach to disability, with adequate representation of organizations of persons with disabilities, as a result of which negative attitudes towards persons with disabilities are perpetuated and reinforced.

15. **The Committee recommends that the State party:**

(a) **Adopt and implement the human rights-based approach to disability in order to combat fear, prejudice and stereotypes against persons with disabilities;**

(b) **Formulate a national awareness-raising strategy and implementation plan to effectively address stereotypes related to disability and stigmatization based on negative beliefs in order to prevent and address discrimination, including multiple and intersectional discrimination, against persons with disabilities;**

(c) **Implement continuous awareness campaigns, involving all stakeholders, such as religious leaders, community opinion leaders and representative organizations of persons with disabilities;**

(d) **Increase the visibility of persons with disabilities in society, including by means of more media coverage against the abuse of persons with disabilities.**

Accessibility (art. 9)

16. The Committee notes with concern:

(a) The absence of a legislative framework to regulate accessibility of the built and physical environment and information and communications technologies;

(b) The absence of a mechanism monitoring compliance on accessibility;

(c) The absence of policies on accessibility targeting all persons with disabilities.

17. **The Committee recommends, in accordance with its general comment No. 2 (2014) on accessibility, that the State party:**

(a) **Expedite the adoption of legislative measures to comply with article 9 of the Convention, including accessibility of the built environment, transport, buildings**

and facilities and of information and communications technologies, and provide for penalties in case of non-compliance;

(b) **Establish an appropriate entity to evaluate and monitor compliance with article 9;**

(c) **Adopt and implement a comprehensive action plan on accessibility, including training in all the different dimensions of accessibility through universal design;**

(d) **Take into account links between article 9 of the Convention and targets 11.2 and 11.7 of the Sustainable Development Goals in order to provide access to safe, affordable, accessible and sustainable transport systems for all, improve road safety and provide universal access to safe, inclusive and accessible green and public spaces.**

Right to life (art. 10)

18. The Committee is deeply concerned at the heightened risks to the right to life of persons with disabilities, particularly women, as a result of the violence and crime that they suffer, and the situation is exacerbated by superstitions and beliefs that see disability in a negative light. The Committee regrets that, according to reports, three women with a hearing impairment were savagely murdered in 2016 on the grounds that they were evil spirits. It further regrets that, to date, the perpetrators have not been prosecuted and sentenced.

19. **The Committee urges the State party to take all legal and other measures necessary to ensure that persons with disabilities can enjoy their right to life on an equal basis with others. It recommends that the State party ensure that all personnel in the administration of the justice system are equipped with the resources to prosecute and punish crimes that infringe the right to life of persons with disabilities.**

Situations of risk and humanitarian emergencies (art. 11)

20. The Committee notes with concern that:

(a) The existing disaster risk reduction national strategic plan does not include a disability perspective for the protection of persons with disabilities in situations of risk, including disasters, and that the State party relies on ad hoc mobilization efforts by volunteers to reach out to persons with disabilities in cases of natural disasters;

(b) Organizations of persons with disabilities were not engaged in the formulation of the disaster risk reduction national strategic plan;

(c) Persons with disabilities do not have equal access to humanitarian and emergency services, including the distribution of humanitarian assistance, and shelters, centres and facilities are often inaccessible.

21. **The Committee recommends that the State party, in consultation with persons with disabilities and their representative organizations:**

(a) **Expedite the revision of the disaster risk reduction national strategic plan with clear guidance and accessible protocols that are inclusive of and accessible to persons with disabilities, and take them into consideration, in all situations of risk, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030, and raise awareness, including through public media campaigns about such protocols in case of natural disasters;**

(b) **Ensure that persons with disabilities are effectively engaged in the design and implementation of measures for their protection and safety in situations of risk and humanitarian emergencies;**

(c) **Take measures to improve the accessibility of humanitarian and emergency services, including distribution of assistance, shelters and facilities.**

Equal recognition before the law (art. 12)

22. The Committee notes with concern existing laws that predate the entry into force of the Convention, such as articles 399 to 424 of the Civil Code and article 266 of the Code of Criminal Procedure, which deny persons with disabilities their legal capacity. It is concerned that persons under guardianship and curatorship regimes, in particular persons with psychosocial or intellectual disabilities, are deprived of the right to exercise their legal capacity. It is also concerned at the lack of knowledge about supported decision-making regimes.

23. **The Committee recommends, in accordance with its general comment No. 1 (2014) on equal recognition before the law, that the State party:**

(a) **Repeal all legal provisions that restrict the legal capacity of persons with disabilities, particularly persons with psychosocial or intellectual disabilities;**

(b) **Replace all guardianship regimes with supported decision-making mechanisms for persons with disabilities, which respect their autonomy, rights, will and preferences;**

(c) **Develop capacity-building programmes for government officials on the right of persons with disabilities, equal recognition before the law and a supported decision-making system, and raise awareness among persons with disabilities, their families and society in general.**

Access to justice (art. 13)

24. The Committee is concerned about:

(a) Obstacles to the effective participation of persons with disabilities in the justice system, including the lack of procedural accommodation and legal aid;

(b) The serious problems in the judicial system that are exacerbated for persons with disabilities, including, inter alia, discrimination, barriers to the accessibility of police premises, courts and places of detention and inaccessibility of information;

(c) The lack of qualified personnel with knowledge of the rights of persons with disabilities and the low level of awareness among the judiciary and law enforcement officials about the human rights of persons with disabilities.

25. **The Committee recommends that the State party:**

(a) **Enact appropriate legislation to ensure the removal of obstacles to access to justice and to guarantee the provision of procedural, gender- and age-appropriate accommodations based on the free choice and preference of persons with disabilities, and establish related safeguards to enable their participation in all legal proceedings on an equal basis with others;**

(b) **Ensure that all persons with disabilities, especially those with intellectual or psychosocial disabilities, and persons who are deaf or hard of hearing, can obtain access to justice and to information and communications in accessible formats, including Braille, tactile media, plain language, Easy Read and sign language;**

(c) **Fully implement articles 51 and 54 of the Act on the Inclusion of Persons with Disabilities (2012) to develop and implement mandatory and ongoing capacity-building programmes, including training, with a view to ensuring an understanding of the provisions of the Convention among the judiciary and law enforcement personnel, including judges, prosecutors, police officers and prison staff, relating to the rights of persons with disabilities, especially persons with intellectual or psychosocial disabilities;**

(d) **Adopt measures to increase the legal awareness of persons with disabilities, to address the underrepresentation of persons with disabilities in the justice system and to empower them to work as judges or prosecutors;**

(e) **Pay attention to the links with article 13 of the Convention for the realization of target 16.3 of the Sustainable Development Goals.**

Liberty and security of the person (art. 14)

26. The Committee notes with concern that:

(a) The legislation in place is not in line with the Convention and, in particular, persons with psychosocial or intellectual disabilities can be declared "interdicted" and unfit to benefit from regular procedures, and hence deprived of liberty for an unlimited period of time;

(b) Forced detention on the grounds of disability is permissible, including in the new draft reform of the Criminal Code and the Code of Criminal Procedure;

(c) Persons with disabilities suspected of having committed a crime face extended pretrial detention and are not allowed bail, on the grounds that they are a danger to themselves and others;

(d) Persons with psychosocial disabilities can be forcibly interned in a psychiatric establishment and receive non-consensual psychiatric treatment, on the grounds of their impairments;

(e) The deinstitutionalization plan under the national health policy of 2014 has not been implemented.

27. **The Committee recalls its guidelines on the right to liberty and security of persons with disabilities (see A/72/55, annex I) and recommends that the State party:**

(a) **Take the legal and other measures necessary to ensure that persons with disabilities accused of an offence are given a fair trial and due process guarantees on an equal basis with others;**

(b) **Revise and repeal the legal provisions that legitimize forced internment and non-consensual psychiatric treatment on the grounds of disability and ensure that all draft legislation is in line with the Convention;**

(c) **Carry out research on the impact on the personal security of persons deprived of their liberty who are either hospitalized or detained in prison or other secure settings on the basis of their impairment without their free and informed consent, with a view to ending this practice;**

(d) **Expedite the implementation of the deinstitutionalization plan under the national health policy of 2014.**

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

28. The Committee is concerned about the situation of persons with disabilities, particularly women and children, who are abandoned and placed in long-stay residential centres or private care homes on the grounds of their disability, without their free and informed consent, where they are subject to torture or cruel, inhuman or degrading treatment or punishment, such as being chained.

29. **The Committee recommends that the State party prohibit all forms of coercive practices against adults and children with disabilities, including physical restraints and isolation, particularly against persons who are held in long-stay residential centres or private care homes or are otherwise deprived of their liberty. It also recommends the establishment of an independent mechanism to monitor residential centres for persons with disabilities, including centres for children with disabilities and private homes, in order to prevent, and offer protection from, acts that may constitute torture or other cruel, inhuman or degrading treatment or punishment.**

Freedom from exploitation, violence and abuse (art. 16)

30. The Committee notes with concern that persons with disabilities, particularly women and children, face intersectional discrimination, abuse, exploitation, trafficking and violence, especially sexual assault and violence in institutions and in post-earthquake camps. It is particularly concerned by:

(a) The absence of laws on protection from violence with a disability perspective and of monitoring mechanisms to detect, prevent and combat violence within and outside the home;

(b) The lack of redress or compensation for victims, the inaccessibility of shelters for victims of domestic violence and the insufficiency of health, psychosocial and legal services;

(c) Inadequate training of the staff, carers and families of persons with disabilities, health personnel and law enforcement officials to recognize all forms of exploitation, violence and abuse, particularly with respect to children with disabilities who are orphans and engaged in domestic work;

(d) The absence of specific data, disaggregated by sex and age, on cases of violence and abuse against persons with disabilities, particularly women and children;

(e) The absence of measures to protect and offer support to victims of gender-based violence against women and girls with disabilities in all contexts.

31. **The Committee recommends that the State party adopt and develop a strategy with targeted time frames and adequate funding to provide security, health and safety for women and children with disabilities in post-earthquake camps. In particular, it recommends that the State party:**

(a) **Enact legislation, including monitoring mechanisms, to detect, prevent and combat violence within and outside the home against persons with disabilities, especially women and children with disabilities;**

(b) **Provide for the availability of accessible and inclusive support services for persons subjected to violence, including police reporting, independent complaints mechanisms, accessible shelters and other support services, and ensure that all reported cases of abuse or violence are appropriately investigated, that victims are legally entitled to and provided with redress and adequate compensation and that perpetrators are prosecuted;**

(c) **Provide continuous training for the families of persons with disabilities and for their carers, health professionals and law enforcement officers to enable them to recognize all forms of exploitation, violence and abuse, and better communicate and work with persons with disabilities who are victims of violence;**

(d) **Collect and publish data on intersectional discrimination, abuse, exploitation, trafficking and violence, including sexual violence against women and children with disabilities, and follow up with national anti-violence initiatives, in close collaboration with persons with disabilities and their organizations, in order to design appropriate policy responses;**

(e) **Implement effective mechanisms to ensure that women and girls with disabilities who are victims of violence and abuse are protected and are provided with medical care, psychological support and legal services to ensure their rehabilitation and reintegration;**

(f) **In accordance with the Committee's general comment No. 3 (2016) on women and girls with disabilities and target 5.2 of the Sustainable Development Goals, take measures to end all forms of violence against women and girls with disabilities in both the public and the private sphere, including trafficking and sexual or other exploitation.**

Protecting the integrity of the person (art. 17)

32. The Committee is concerned that persons with disabilities, particularly women with intellectual disabilities, are subjected to contraceptive procedures without their consent, but with the consent of third persons. The Committee is concerned that there is no structure of control or oversight of the implementation of the prohibition of medical or scientific experiments without the actual consent of the person, as provided for in the Act on the Inclusion of Persons with Disabilities (2012).

33. **The Committee recommends that the State party take the necessary measures to ensure that all medical procedures and treatments concerning persons with disabilities are contingent on their free and informed consent. It also recommends that the State party monitor compliance with laws prohibiting forced and medical or scientific experiments without the actual consent of the person.**

Liberty of movement and nationality (art. 18)

34. The Committee is concerned that the registration of the births of all newborns with disabilities is not widespread throughout the territory. It is also concerned at the difficulties experienced by persons with disabilities to obtain identification documents, especially in rural and remote areas, in particular given the price of the national identity card. It notes that campaigns promoting the registration of the population are inaccessible to persons with disabilities.

35. **The Committee recommends that the State party strengthen the birth registration system so that all newborns with disabilities in the State party are registered immediately after birth at no cost. It also recommends that the State party increase the accessibility of campaigns to obtain identity documents, especially in remote and rural areas, and to ensure that all persons with disabilities possess at least one identity document. The Committee recommends that the State party consider the issuance of free national identification cards for persons with disabilities.**

Living independently and being included in the community (art. 19)

36. The Committee is concerned that the legislation of the State party fails to recognize that living independently and being included in the community is a human right that enshrines individual autonomy, control and choice as intrinsic aspects of that right. The Committee is also concerned at the lack of policies, priorities and measures promoting the ability to live independently in the community.

37. **The Committee recommends, in line with its general comment No. 5 (2017) on living independently and being included in the community, that the State party recognize that living independently and being included in the community is a subjective right, of which all the elements should be enforceable, and therefore adopt rights-based policies, regulations and guidelines to ensure its realization. The Committee further recommends that the State party set up a comprehensive plan, developed in close collaboration with organizations of persons with disabilities and endowed with sufficient dedicated funding, to allow persons with disabilities to live independently and be included in the community in rural as well as urban areas and ensure the deinstitutionalization of persons with disabilities.**

Freedom of expression and opinion, and access to information (art. 21)

38. The Committee is concerned about:

(a) Delays in the development and recognition of Haitian Sign Language and the limited number of sign language interpreters;

(b) The insufficient provision of information in accessible formats and technologies such as Easy Read, plain language, subtitles, sign language, Braille and audio-description, particularly in official interactions;

(c) The inaccessibility of information in the media, including radio, television, newspapers and public websites.

39. **The Committee recommends that the State party:**

(a) **Codify Haitian Sign Language and expedite the enactment of legislation to recognize it as an official language for official interaction;**

(b) **Take measures to improve the accessibility of information and communication formats and technologies appropriate for persons with disabilities by providing for web accessibility and the use of sign language, subtitles, Braille, Easy Read and plain language in all public services, and implement capacity-building**

programmes for personnel delivering services to persons with disabilities, including training in Braille, Easy Read, tactile communication and sign language;

(c) **Increase accessibility in the media, particularly in live broadcasting.**

Respect for home and the family (art. 23)

40. The Committee is concerned about:

(a) Discriminatory legislation, including article 8 of the Act on the Inclusion of Persons with Disabilities (2012), which provides for the exceptional removal from custody of a child from a person with a disability, and the Civil Code, which restricts persons declared "interdicted" from entering into civil contracts, including marriage;

(b) The inadequacy of support services to strengthen the capacity of parents and families of children with disabilities, particularly single mothers of children with disabilities;

(c) The reinforcement of the medical model of disability by the legal requirement that couples should provide a prenuptial certificate prior to marriage in order to prevent impairments;

(d) The absence of education and information programmes for persons with disabilities, particularly women and girls, on sexual and reproductive health and rights and family planning in accessible formats.

41. **The Committee urges the State party to:**

(a) **Take all measures necessary to repeal or amend legislation that discriminates against persons with disabilities, including article 8 of the Act on the Inclusion of Persons with Disabilities (2012) and the Civil Code;**

(b) **Allocate sufficient resources to support parents and families of children with disabilities, especially single mothers, and parents with disabilities;**

(c) **Consider restricting the focus of premarital medical examinations to sexually transmitted diseases;**

(d) **Ensure equal access to sexual and reproductive health-care services, as set out in target 3.7 of the Sustainable Development Goals, and provide information and education on sexual and reproductive health and rights and family planning for persons with disabilities in accessible formats, including Easy Read.**

Education (art. 24)

42. The Committee is concerned that legislation, including the Act on the Inclusion of Persons with Disabilities (2012), article 38, still allows for segregated education environments, especially for students with intellectual disabilities. It is also concerned about:

(a) The absence of a legally defined procedure for the provision of reasonable accommodation and for the hiring of assistant support staff in classrooms in both public and private schools, especially in rural areas;

(b) The barriers for students with disabilities to attend mainstream schools, owing to the inaccessibility of facilities, discrimination against students with disabilities and negative social attitudes regarding the schooling of children with disabilities, and the lack of teachers and non-teaching personnel trained in inclusive education;

(c) The lack of updated data on the education of students with disabilities and the low number of children with disabilities, especially girls, in the mainstream education system;

(d) Insufficient investment in promoting inclusive education rather than special schools;

(e) The inadequacy of school grants for children with disabilities and their families.

43. **Recalling its general comment No. 4 (2016) on the right to inclusive education and Sustainable Development Goal 4, especially targets 4.5 and 4.8, the Committee recommends that the State party amend the Act on the Inclusion of Persons with Disabilities (2012) to ensure that no student is refused admission to a mainstream school on the basis of disability. It also recommends that the State party:**

(a) **Adopt a legally defined procedure for the provision of reasonable accommodation at all levels of education and allocate the resources necessary for its implementation;**

(b) **Design and implement an action plan on inclusive education with sufficient resources, concrete timelines and specific goals regarding accessibility, adaptation of curricula, teaching aids and individual assistance and support in ordinary school environments, as well as awareness-raising initiatives, mandatory training in inclusive education and its implementation for teachers, support teachers and non-teaching education personnel;**

(c) **Increase the collection of data on, inter alia, the implementation of inclusive education laws and policies and the accessibility of school infrastructures;**

(d) **Increase human, technical and financial resources to implement inclusive education, and conduct regular information campaigns in accessible formats, including plain language and Easy Read, to promote education for all persons with disabilities, in particular women and children and those living in rural areas;**

(e) **Increase resources for school grants and awards to ensure the education of children with disabilities.**

Health (art. 25)

44. The Committee is concerned by:

(a) Systemic physical, attitudinal and communication barriers that impede access by persons with disabilities, particularly psychosocial and/or intellectual disabilities, to health services on an equal basis with others, especially in rural areas;

(b) The absence of health-care services, equipment, information and communications tailored to the requirements of persons with disabilities and the insufficiency of trained personnel to address the multiple barriers faced by persons with disabilities;

(c) The inaccessibility of health programmes and prevention campaigns relating to HIV/AIDS and sexually transmitted infections and the lack of availability of reproductive health services.

45. **The Committee recommends that the State party:**

(a) **Develop a targeted, measurable and properly financed plan of action aiming at the elimination of barriers faced by persons with disabilities, particularly persons with psychosocial and/or intellectual disabilities, in obtaining access to health-care services;**

(b) **Increase efforts to ensure that health-care services for persons with disabilities are accessible, especially in rural areas;**

(c) **Raise awareness among medical professionals of the rights of persons with disabilities under the Convention by promulgating ethical standards and setting up regular and mandatory training for health personnel;**

(d) **Take measures to provide persons with disabilities, especially women, with information in accessible formats on health-care services and facilities, including in the area of sexual and reproductive health, on their right to free and informed consent, on their sexual and reproductive health and rights and on HIV/AIDS and other sexually transmitted infections;**

(e) **Draw on article 25 of the Convention to achieve targets 3.7 and 3.8 of the Sustainable Development Goals.**

Habilitation and rehabilitation (art. 26)

46. The Committee is concerned that the State party does not have a national action plan to habilitate and rehabilitate all persons with disabilities who require such services, particularly after the 2010 earthquake and the passage of Hurricane Matthew. It is also concerned that organizations of persons with disabilities do not participate in the development and implementation of habilitation and rehabilitation programmes.

47. **The Committee recommends that the State party adopt a national action plan on habilitation and rehabilitation in line with the Convention, in close collaboration with organizations of persons with disabilities. It also recommends that the State party include mobility aids, devices and assistive technologies in the context of international cooperation.**

Work and employment (art. 27)

48. The Committee notes with concern:

(a) The lack of a legal obligation to provide reasonable accommodation in the workplace and the lack of monitoring mechanisms relating to "appropriate accommodation" in the Act on the Inclusion of Persons with Disabilities (2012);

(b) The extremely low level of employment of persons with disabilities in the public and private sectors, resulting in a higher rate of poverty among persons with disabilities;

(c) The lack of a designated body for monitoring and sanctioning non-compliance with labour quotas in both the public and the private sector, the absence of specific measures to improve the employment of persons with disabilities in the public and private sectors and the delay in the establishment of the national solidarity fund;

(d) The absence of official data on persons with disabilities in the labour market.

49. **In line with the Convention and in view of target 8.5 of the Sustainable Development Goals, the Committee recommends that the State party ensure the achievement of full and productive employment and decent work for all, including persons with disabilities, and equal pay for work of equal value. It also recommends that the State party take legal and other measures to ensure non-discrimination against persons with disabilities in relation to their right to work and, in particular:**

(a) **Clarify the legal obligation to provide reasonable accommodation in the workplace and take measures to ensure the effective monitoring of its implementation, with appropriate remedies for the denial of requests;**

(b) **Adopt measures, such as a long-term plan with defined objectives and a time frame, to increase the employment of persons with disabilities, particularly women and young persons with disabilities, in the open labour market in both the private and the public sector;**

(c) **Designate an entity for monitoring and sanctioning non-compliance with labour quotas in both the private and the public sector, expedite the implementation of the national solidarity fund, provide vocational and professional training and provide incentives for the self-employment of persons with disabilities, particularly women with disabilities;**

(d) **Collect disaggregated data on the number of persons with disabilities in the labour market.**

Adequate standard of living and social protection (art. 28)

50. The Committee is concerned about the high number of persons with disabilities living in poverty and without a regular source of income and the absence of a comprehensive social protection system guaranteeing to persons with disabilities and their families access to an adequate standard of living, including resources to cover expenses related to disability. The Committee is also concerned about the lack of access to drinking water and sanitation and the fact that the majority of initiatives to promote an adequate

standard of living have been implemented around the capital or in large cities and not in rural and remote areas.

51. **Recalling the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, which seek to empower and promote the economic inclusion of all persons, irrespective of disability status, the Committee recommends that the State party:**

(a) **Develop social protection and poverty reduction strategies targeting persons with disabilities;**

(b) **Set up a social protection scheme to ensure an adequate standard of living for persons with disabilities, including through systems of compensation in the form of allowances that will allow persons with disabilities to cover the costs related to disability;**

(c) **Include a disability perspective in programmes to promote an adequate standard of living, including programmes to increase access to safe and affordable drinking water and sanitation and initiatives to that end in rural and remote areas.**

Participation in political and public life (art. 29)

52. The Committee is concerned about:

(a) The fact that the electoral decree of 2015 (arts. 29, 87.2 and 157) restricts the right of persons with disabilities to participate in political life, to exercise their right to vote and to join political parties as members or elected candidates;

(b) The inaccessibility of polling stations and of every stage of the electoral process, including the registration of voters in the electoral register and voting procedures, the lack of information in accessible formats for persons with disabilities and the lack of training for electoral staff on the rights of persons with disabilities;

(c) The low number of persons with disabilities standing for or holding elected public office.

53. **The Committee urges the State party to:**

(a) **Repeal laws and regulations that restrict the right of persons with disabilities to participate in public and political life, and, in particular, abrogate the electoral decree of 2015, articles 29, 87.2 and 157;**

(b) **Remove all physical and other barriers and provide reasonable accommodation at every stage of the electoral process, including the provision of information and materials in accessible formats, and ensure adequate training for electoral staff on the rights of persons with disabilities at all stages of the electoral process;**

(c) **Implement measures to increase the number of persons with disabilities in public and political life and collect and publish disaggregated data on the number of such persons.**

Participation in cultural life, recreation, leisure and sport (art. 30)

54. The Committee is concerned that persons with disabilities face barriers to participation in cultural life, recreation, leisure and sport on an equal basis with others. It is also concerned that the State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

55. **The Committee recommends that the State party itemize a budget to promote and protect the right of persons with disabilities to participate in cultural life, recreation, leisure and sport on an equal basis with others. It encourages the State party to adopt all appropriate measures to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled as soon as possible.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

56. The Committee is concerned at the lack of systematic collection of disaggregated data on the situation of persons with disabilities in all areas, which makes it difficult for the State party to develop appropriate policies.

57. **The Committee recommends that the State party fully include disability in the monitoring indicators for the implementation of the Sustainable Development Goals and pay attention to the links between article 31 of the Convention and target 17.18 of the Sustainable Development Goals with a view to increasing significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographical location and other characteristics relevant to its national context. It also recommends that the State party continue to develop tools in order to use all of the questions proposed by the Washington Group on Disability Statistics in its next census and household surveys.**

International cooperation (art. 32)

58. The Committee is concerned at the lack of a coherent strategy in collaboration with local representative organizations of persons with disabilities to empower persons with disabilities to effectively enjoy their fundamental rights as enshrined in the Convention. It is also concerned that most projects in the context of international cooperation are primarily focused in and around the capital city. It notes with concern the lack of systematic and effective consultation with persons with disabilities, through their representative organizations, and the subsequent inadequacy of their participation and inclusion in international cooperation programmes.

59. **The Committee recommends that the State party:**

(a) **Incorporate a development policy in line with the Convention into all its development cooperation policies and programmes;**

(b) **Mainstream disability by engaging the participation of persons with disabilities through their representative organizations;**

(c) **Adopt measures to ensure the meaningful participation of persons with disabilities, through their representative organizations, in the design, implementation, monitoring and evaluation of programmes and projects developed as part of international cooperation efforts.**

National implementation and monitoring (art. 33)

60. The Committee is concerned by the insufficient clarity and scope of the mandate of the "Office of the Ombudsman" It regrets that no independent monitoring mechanism, as required under article 33 (2), has yet been designated. It is further concerned about the absence of mechanisms to ensure the participation of persons with disabilities, through their representative organizations, in monitoring processes.

61. **Recalling its guidelines on independent monitoring frameworks and their participation in the work of the Committee (see CRPD/C/1/Rev.1, annex), the Committee recommends that the State party:**

(a) **Take the measures necessary to designate focal points in all areas of government with a view to integrating disability in all programmes and policies;**

(b) **Expedite the designation of an independent mechanism for monitoring the implementation of the Convention, and ensure its independence;**

(c) **Ensure the full participation of persons with disabilities and civil society organizations in the process of monitoring the implementation of the Convention.**

IV. Follow-up

Dissemination of information

62. **The Committee requests the State party to provide information, within 12 months of the adoption of the present concluding observations and in accordance with article 35 (2) of the Convention, on the measures taken to implement the Committee's recommendations contained in paragraph 57 on statistics and data collection.**

63. **The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities, the private sector and the media, using modern social communication strategies.**

64. **The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.**

65. **The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.**

Next periodic report

66. **The Committee requests the State party to submit its combined second to fourth periodic reports by 23 August 2023 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned report under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.**